IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.10082 of 2006
&WPMP No.11394 of 2006

K.Narasa Reddy
Kencers Constructions Pvt., Ltd.,
No.1, Ramakrishna Street,
T.Nagar, Chennai-17,. .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Chennai-600 009.

2.The Chennai Metropolitan Development Authority,
rep., by its Member Secretary,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration to declare that the provisions of Rule 19(b) (III-B) of the Development Control Rules and Rule 13 of the Special Rules for multistoried Building as ultra vires, illegal, unconstitutional and unenforceable in so far as it relates to levy and collection of Security Deposit for proposed Development and consequently, direct the respondents to issue planning permission for proposed construction of residential buildings at old survey Nos.72/2A, 79/1, 99/1A and 99/3, T.S.No.93 in Block No.31 of Virugambakkam Village, Chennai without insisting on security deposit of Rs.18,35,000/- for proposed development as contained in the communication dated 07.04.2006 in Lr.No.EC1/22167/2005 of the second respondent.

For Petitioner : Mr.R.Mohan
For 1st Respondent : Mr.R.Viduthalai
Advocate General for
Mr.K.Elango, Spl. G.P.,
For 2nd respondent : Mr.J.Ravindran for CMDA.,

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ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

Learned counsel appearing for the petitioner seeks permission to withdraw the above writ petition and has also made an endorsement to that effect. Accordingly permission is granted and the writ petition is dismissed as withdrawn. It is made clear that if need arises, the petitioner is permitted to challenge the provisions of Rule 19(b) (III-B) of the Development Control Rules and Rule 13 of the Special Rules for multistoried Building at the appropriate time. No costs. Consequently, WPMP No.11394 of 2006 is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Chennai-600 008.

+ 1 CC To Mr.J.Ravindran, Advocate SR NO. 58969

W.P.No.10082 of 2006

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